The Wheeling Daily Intelligencer.

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CANDID STATEMENT

Of Governor Atkinson on the United States Senatorship.

HIS RELATIONS WITH GOFF

Have been Such that he Would not Feel Inclined to Enter the Race Should he Announce Himself as a Candidate—The Governor Adds, However, that he is in it on the Strength of Information Received From Judge Goff's Most Intimate Friends that he Prefers to Stay Where he is—Will not Call an Extra Session of Legislature.

Special Dispatch to the Intelligencer.

CHARLESTON, W. Va., Nov. 12.—There is no longer any doubt of Governor Atkinson's senatorial ambitions. He was seen to-day by the Intelligencer representative and the following pointed question was put to him:

"Governor, there is considerable talk among the people as to your possible candidacy for a seat in the United States senate from West Virginia. Can I say to the readers of the Intelligencer that you will be in the race for that honorable position?"

"I can answer that question in this way," replied Governor Atkinson. "I have been requested by a large number of influential party friends to become a candidate for the senate for months past, and I have all along stated that my relations with Judge Nathan Goff have been for years of a very intimate character, and that I would not feel inclined to oppose him, should he announce himself as a candidate for that office. A number of his close friends have informed me that the judge would under no circumstances be willing to give up his present position for a seat in the senate, I, therefore, have no right to doubt his sincerity in the matter; and in view of this fact, coupled with the statement of friends to me that they regard me as the logical candidate of the party in this state for that position, I am inclined to say to my friends that I am a candidate for senator, and will thank the people for their support.

"I presume you will say that this is a fair answer to your interrogatory. I will add further that we have many Republicans in West Virginia who are competent for that high office, some of them doubtless better fitted for that place than myself. They, too, have claims and may later on enter the race. They will have their friends, and they are entitled to consideration. There is no monopoly about it. It will be an open, free field. I do not want it understood that I have special claims or qualifications for the place. With General Goff not in the race I consider my chances for success equal, at least, with other friends who may be in the race."

"What about an extra session of the legislature?"

"I don't think one will be called. I am confident none should be had. I am fully persuaded that the amendments to the constitution will not be ratified by the people should they be submitted. Why, then, should the people be taxed with the expense of an extra session when nothing can come of it? So far as I have been able to learn the wishes of the people on the subject they are almost unanimously against the extra session. You can say for me that I will not assume the responsibility of issuing the call. If the legislators themselves make the call, the responsibility must rest with them."

AN EXCELLENT SHOWING

Made by the Directors of the Insane Hospital at Spencer.

Special Dispatch to the Intelligencer.

CHARLESTON, W Va., Nov. 12.—The fifth annual report of the second hospital for the insane at Spencer has been filed with the governor in accordance with law, and the record of stewardship of the state's unfortunates is such as to gratify Republicans everywhere, as this early indication of the efficacy of a change in the state administration is especially pleasing to all classes who rejoice at the successful conduct of this class of benevolence.

The report shows the total number of patients in the hospital October 1, 1896, to be 202, of which ninety-eight were males and one hundred and four females; during the year one hundred and forty were admitted, eighty-five males and fifty-five females; whole number treated during the year, 342, 148 males and 159 females. Highest number under treatment at any one time, 259; lowest number, 202. During the year, forty-six were discharged as cured and eleven were released on bond. Percentage of recovery, 331. Deaths during the year, 25. Remaining in the hospital at close of the year, 255.

The superintendent reports the general health of the institution good, mortality rate being less than any previous year.

The report, which deals with the fiscal affairs of the institution, shows a large saving to the state in all lines, and most especially is this marked in the purchase of supplies for the various departments, it having been the evident purpose of the authorities to secure as nearly as possible the benefit to the state of cash rates, the same as would be given by dealers to other desirable and profitable customers.

Charleston Bribery Cases.

Special Dispatch to the Intelligencer.

CHARLESTON, W. Va., Nov. 12.—In the circuit court to-day the cases of the state vs. E. A. Botkins, T. C. Hall and G. O. Chilton, all members of the city council, under an indictment charged with conspiracy, came up on a demurrer to the indictment, made by General C. C. Watts, attorney for defendants. The demurrer sets out that the indictment is improperly drawn.

Ex-Governor Wilson, who is assisting J. M. Mayne, the special prosecuting attorney, spoke in reply. The case occupied the attention of the court all day, but Acting Judge Couch over-ruled the demurrer.

The defendants will endeavor to prevent Judge Couch sitting in the case, claiming that he is an interested party. On account of the prominence of the parties the case is attracting great attention.

Will be Included in Amnesty.

HAVANA, Nov. 12.—Dispatches received here from Madrid confirm the previous reports to the effect that the prisoners captured on board the American schooner Competitor in April, 1896, will be included in the general amnesty decree soon to be issued. The second trial by court martial of the Competitor's crew was to have begun on Monday last, but was postponed on account of the sickness of the president of the court.

VOIERS HANGED.

After a Respite and an Escape—Swung off Protesting His Innocence and Hoping to Meet all His Friends in Heaven.

Special Dispatch to the Intelligencer.

FAYETTEVILLE, W. Va., Nov. 12.—Albert Voires was hanged at 2:34 o'clock to-day to pay the penalty for his connection with the murder of Charles Gibson at Montgomery in April, 1896. He died professing that he had done no crime for which he should be hanged.

He said that Gibson was already dead before he took any part in it. About 2,000 people witnessed the execution. It was perfectly performed and Voires died without a struggle.

When the party took a position on the scaffold and a half dozen cameras were ready to take the scene, Voiers requested that they would not take his picture, and his wish was gratified. *Voiers said that he was prepared to go,* and wished all to meet him in heaven. Short and impressive religious services were conducted, Voiers joining in the singing of "What a Friend We Have in Jesus."

Voiers called some of his friends to his side and sent a loving good bye to his father, whom he said he wanted to meet him in heaven.

Voiers made a sworn statement today that he had nothing to do with the murder of John Cochran in Kanawha county, and knew nothing of it. Upon his evidence Wiley Lewis was sent to the penitentiary for life.

The crime for which Albert Voiers was hanged to-day was the murder of Charles Gibson, at Montgomery, on the night of the 22d of April, 1896. There were associated with him in the crime Clark Lewis and Wilbur Slaughter. Lewis was hanged for his participation in the crime, on the 25th of June. Slaughter was the witness for the state and was given a life-time term in the penitentiary. Voiers was sentenced to be hanged at the same time that Lewis was hanged, but owing to a confession made by him that he had been implicated in the murder of John Cochran, in Kanawha county, the governor issued a respite of sixty days in order that he might be held for a witness against Wiley Lewis, whom he alleged helped him murder Cochran.

Before the expiration of the respite, Voiers was brought back to Fayette county from Kanawha county, and escaped from jail on the night of August 18, just previous to the time set for the hanging. A few weeks later he was recaptured, after a desperate fight, by Detective Harrison Ash and Marshal Brannagan, of Montgomery, at Charleston, where he was in hiding at the home of his brother. He was returned to Fayetteville, where he has since been kept under strong guard. On the 11th of October he was brought into court and re-sentenced to be hanged to-day. This was the last official act of the late Judge Brazie, who recently died.

THE UNIVERSITY.

The School of Music is Receiving a Great Impetus by the Liberal Treatment of the Executive Committee—The Geological Survey.

Special Dispatch to the Intelligencer.

MORGANTOWN, W. Va., Nov. 12.—Mr. Sturgiss and Mr. Powell, of the executive committee of the board of regents of the university, have had several meetings during the week to consult over some matters pertaining to the school of music and the building of the addition to the arts building. It was determined to give the music school some additional appropriation, and purchase some additional equipment.

For a month past the work of remodeling the Hoffman building, which has been leased for the school, has been going on, and it is now about fitted up. The faculty of the department has been completed by the election of Professor Frank W. Keene, of Emporia, Kansas, to instruct on the stringed instruments. Mr. Keene arrived yesterday and is preparing to begin work.

Miss Grace Martin, of Kingwood, has been elected an assistant to Miss Russell McMurphy in the piano department. About $700 worth of music has been purchased for the department, and two pianos have been placed in it, and one in the commencement hall. Professor Ellenberger, the director of the department, has organized a choral class of more than one hundred members, some of whom are from the town.

The instructors in the department give a daily entertainment of some kind every morning during the chapel exercises, which have solved the perplexing problem of attendance at chapel, which has been such a bugbear in the past.

President Raymond, the executive official of the commission appointed by the governor to carry on the geologic and economic survey provided for by the last legislature, and Director Stewart, of the experiment station, a member of the commission, had a conference with Dr. I. C. White, who was designated to direct the survey. Dr. White accepted the position and made suggestions about commencing the work, which will make necessary the convening of the commission. Accordingly President Raymond addressed a letter to the governor asking him to convene the commission at once.

Can Jackson Interfere Here!

WASHINGTON, D. C., Nov. 12.—In continuing the changes in the personnel of his office, sixth auditor Castle for the postoffice department has promoted A. Clements to be chief of the collecting division and D. W. Duncan to be chief of the book-keeping division. D. H. Fenton, whom Mr. Duncan succeeds has been engaged to represent the government in all legal proceedings against the bondsmen of post office department officials including postmasters. Mr. Castle states that he has examined the replies of about forty of the clerks whom he notified some months since of their probable reduction in grade and pay, and that he has made reductions in about twenty cases averaging about $200 each per annum. The showing made by the remaining twenty being satisfactory they will remain undisturbed. The notices were originally sent to about eighty persons and the responses of all of them will be scrutinized carefully.

Hawaiian Annexation Assured.

WASHINGTON, Nov. 12.—Ratification of the Hawaiian annexation treaty by the United States senate is assured. The administration has made a poll of that body and as a result President McKinley is satisfied that more than two-thirds of the senators will vote for ratification. It is said to be the purpose of Chairman Davis at the first executive session to ask that a day be fixed for taking up the treaty. Ratification during the early part of the year is confidently expected.

TREND OF TRADE.

The Colder Weather Has Helped to Boom Business.

THE VOLUME OF PAYMENTS

Through Clearing Houses Continues as Large as in 1892—Railroad Earnings are Also Nearly Equal to Those of the Same Prosperous Year—The Iron Industries are Still Enjoying Great Activity, Many Branches of the Trade Being Far Behind in Deliveries—Exports of Wheat Maintain the Large Volume Hitherto Reported With Prices Strong.

NEW YORK, Nov. 12—R. G. Dun & Co.'s weekly review of trade will say to-morrow:

Colder and more stormy weather, so long needed to accelerate distribution of winter goods, has materially helped in some quarters and the resulting improvement in retail trade is mentioned in nearly every northern dispatch this week, so that orders to fill stocks have been encouraging, and in some branches the multitude of demands for immediate delivery show that the distribution to customers has already gone much beyond the expectations of dealers.

But this is not yet the general rule, and with many complaints of delayed trade from other quarters, there still remains the extensive shrinkage caused by fever and quarantine at the south. It is, therefore, the more surprising that the volume of all payments through clearing houses continues about as large as in 1892, and 16.7 per cent. larger than last year. Railroad earnings also nearly equal those of 1892 for the first week of November and half the mileage in the United States shows earnings in October of $50,354,496, or 8.0 per cent. larger than last year and 2.2 per cent. larger than 1892.

The output of iron furnaces November 1 was 213,159 tons weekly, against 200,129 October 1, a gain of 6.1 per cent., and unsold stocks decreased 48,890 tons in October, indicating a larger consumption in manufacturers than ever before, even when the output of pig was pushed by swiftly advancing prices to the highest point, 217,682 tons, November 1, 1895. Prices of iron products rose that year 55.3 per cent., but are now not 4 per cent. higher than June 9. The enormous output, with some more furnaces started in November, caused but a slight decline in Bessemer pig to $10.25 at Pittsburgh, with no decline in other pig there, at the east or Chicago, and no fall in prices of finished products except a shade in angles. While most works have orders for the rest of the year, and in sheets and some other branches are far behind in deliveries, new orders are few, but include one for 2,000 cars at Chicago and one for 400 at Pittsburgh, one for an armored ship at Chester, many for small buildings and for St. Vincent's hospital and three school houses here, many for bridges, with some for the drainage canal at Chicago, a lively demand for hoops, and a large export business with a quantity of bars for Asia.

Woolen mills generally have orders for three months ahead and are not seeking further engagements. Large sales of speculative lots of wool at prices not stated suggest that it may be lower before the mills need further orders.

Wheat dropped over two cents, but has risen as much with heavy buying for exports. Western receipts continue heavy in two weeks, 14,028,907 bushels, against 10,581,192 last year, while Atlantic exports, flour included, have been 6,562,025 bushels, against 3,921,251 last year. An English authority reckons the world's yield at 161,000,000 bushels less than last year, which would mean a market for all this country has to spare.

Corn exports are again larger than last year and the price has risen 1⅝ cents. Later prices of meats do not indicate that farmers have as yet much inducement to save corn for feeding.

Failures for the week have been 221 in the United States, against 276 last year, and 24 in Canada, against 46 last year.

A Grand Stand Play that Failed.

EASTON, Pa., Nov. 12.—The grand jury this afternoon ignored the bills in the conspiracy cases of General Frank Reeder, late secretary of the commonwealth, Hon. Webster C. Weiss and Maurice O. Luckenbach and put the costs on Frederick A. Van Valkenburg, the prosecutor. The charges were conspiring to commit bribery and to defame the character of ex-Postmaster General Wanamaker, in the legislative campaign for United States senator, in which the latter was defeated by Senator Penrose. The court instructed the jury before they retired on the cases pending and explained what constituted a conspiracy. Judge Scott also told them to dispose of the costs in case they ignored the bills.

TOLD IN A FEW LINES.

Mrs. John Gilmary Shea, widow of the famous Catholic historian, is dead at her home in Elizabeth, N. J., aged eighty-five.

The Russian minister to the United States has resigned, and his successor will be Count Cassini, at present Russian minister at Peking.

The cabinet transacted but little business yesterday, and the seal conference in session at Washington spent the day in considering propositions for the abatement of the troubles.

Formal announcement has been made of the breaking of the engagement of George M. Pullman and Miss Oglesby, daughter of ex-Governor Oglesby. Friends of the Oglesby family say Pullman's disinheritance had "nothing to do with the case."

P. K. Drummond, of Chillicothe, O., one of the best known practitioners in the county, is in jail, having confessed to having assisted in stealing the body of Carlton W. Kelley from a cemetery at Londonderry, last Saturday. The body of Kelley was secured by mistake, as the faculty desired to have that of Sam Jones, who killed himself by drinking three bottles of peppermint.

It is the intention of Chairman Cannon, of the appropriations committee of the house of representatives to begin the preparation of the appropriation bills at the earliest possible date. He has announced the appointment of the sub-committees and those on the pension and the legislative, executive and judicial bills have been called to meet November 27, a week in advance of the assembling of Congress. As the house is fully organized by the appointment of all the standing committees, it will be expected to get down to business as soon as it re-assembles for the regular sessions on Monday, December 5.

HOW IT FEELS

To a Person About to Step out of Life—A Suicide Leaves a Very Frank Letter Explaining the Sensations.

NEW YORK, Nov. 12.—John C. Bullitt, jr., of Big Stone Gap, Wise county, Virginia, was found dead to-day in a room at the Central Railroad hotel, on Liberty street, this city, which he engaged on the previous night, having registered as from Duluth, Minn. The man had apparently committed suicide, as bottles containing hydro-chloric acid, cyanide of potassium and nitric acid were found on a table near the bed upon which the corpse lay.

A letter found in the apartment addressed to Joshua F. Bullitt, jr., Big Stone Gap, Wise county, Va., read:

"Thursday.

"DEAR JOSH:—I have decided to end it all. I wish that you and Jim will induce father and mother to so make their wills as to secure to my wife and daughter my one-third share of their estate. I ask that every paper, memorandum, etc., that I leave behind me be destroyed without being previously read. You will, I hope, be interested in knowing how a person feels who is about to step into the unknown world. Hence I will tell you what my feelings are. I wonder, I doubt, I hope, but over all the wonder and the doubt, and the hope, a feeling of intense curiosity prevails. What is the future? I believe I know, but it is only a belief. I am very curious to verify it.

The feeling of fear is absent. I am going from here to the Eden Musee to play chess with the automaton. This fact illustrates my mental condition, perhaps, better than a volume of my writing would. Death seems to me to be merely an event of no more importance, say, than breakfast. I love life and hate to leave it, but the summons has been served and I must answer. And now, good-bye. We will meet again. Your brother,

"JOHN C. BULLITT, JR."

(Signed.)

After registering at the hotel, Bullitt was given a room on the second floor. Early this morning he came downstairs but returned to his room. That was the last time Bullitt was seen alive. As there was no response to the knocks of the chambermaid, the door of the apartment was forced open late this afternoon and then the suicide was discovered.

LOUISVILLE, Ky., Nov. 12.—John C. Bullitt, jr., of Duluth, Minn., who committed suicide in New York to-day, was the son of Hon. Joshua F. Bullitt, of Jefferson county, Ky. He was a lawyer. It is not known yet what disposition will be made of the body.

KNIGHTS OF LABOR.

The Assembly Now Organized for Business—The Annual Address of General Master Workman Sovereign.

LOUISVILLE, Ky., Nov. 12.—The Knights of Labor this morning accepted a supplemental report of their committee on credentials and the general assembly is now ready to proceed with the regular routine work. Nothing of importance was done at the morning session with the exception of accepting the amended report of the credentials committee.

General Master Workman Sovereign, in his annual address, prefaced it with the statement that the opening of this regular session of the general assembly presents to the world the "same undismayed membership through whose fortitude and courage the spirit of progress combats greed and avarice and defies the cant and hypocrisy of the age."

The work of wholesale reform in the labor field, he continued, is retarded through the coercion and corruption of the poor by the holders of idle capital.

"The St. Louis conference," he said, "was a united labor protest against the most flagrant outrages ever committed against civil liberty in this country. The miners strike was a test between under-paid, half-starved labor and arrogant, greedy coal barons. The injunctions sought to give the air of official sanction and the color of judicial dignity to the vilest expressions of anarchy ever uttered in this country. But anarchy in judicial robe is no more respectable than anarchy in rags; a judge who will suppress peaceable public assemblages is no less a traitor to this country than was Benedict Arnold and the citizens who will resist such an injunction is no less a patriot than were the signers of the declaration of independence or the heroes of Valley Forge."

Mr. Sovereign's reference to the Hazelton affair was brevity itself; he simply saying that it was "a cold-blooded murder of inoffensive Hungarian miners by the sheriff of Hazelton," whom he characterized as an agent of employing corporations.

Mr. Sovereign concluded by saying that the most gratifying results of the national labor conferences held during the past year were demonstrated in the ability of the organized labor forces to rise above selfishness and jealousy and unite for the common good of all.

The Court Was Incensed.

ST. LOUIS, Nov. 12.—Martin Ensley, of Memphis, was put on trial to-day before Judge Hirzel, at Clayton, the county seat of St. Louis county, on the charge of assault with intent to kill Charles D. Collins, at Meramec Highlands, one night last June. He is also charged with stealing $6,000 from Collins, and that robbery was the motive of the assault.

When the case was called Mr. Collins was not on hand and Judge Hirzel was furious. He issued a bench warrant and subpoenaes for Collins' arrest, and after adjourning court sent out all his deputies to find the plaintiff and bring him in. Charles D. Collins is a Canadian by birth. In the early '80's he was head clerk at the Kennard house, in Cleveland, Ohio.

"Kid" McCoy Knocks 'Em Out.

DAYTON, Ohio, Nov. 12.—As a windup to the fistic carnival given in the opera house to-night, Kid McCoy took on George LaBlanche, the "Marine," and Beach Ruble, of Hamilton. La Blanche lasted only twenty seconds. Ruble was knocked down five times in two minutes, when the police interfered. McCoy offered $50 to the man that stood before him for four rounds. "Doc" Payne, of Cleveland, won a decision over Moody, (colored), in two rounds. Jack Ellingsworth challenged Kid McCoy for a match under the above conditions and the offer was accepted.

TRAIN ROBBERS

Stop a Missouri Pacific Passenger Train at "Blue Cut."

TWO DISGUISED AS WOMEN

Wave a Danger Signal, and the Accommodating Engineer Brings the Train to a Halt—The Train Cut in Two, but When the Express Safe was Opened Nothing was Found—The Robbers in Their Rage "Go Through" the Express Messenger and Obtain the Munificent Sum of $2.85 for Their Trouble.

KANSAS CITY, Mo., Nov. 12.—The Missouri Pacific passenger train, known as the St. Louis fast mail, which leaves Kansas City at 9 p. m., was held up by five masked robbers at 9:30 o'clock tonight, at the Chicago & Alton crossing, just east of Independence, Mo., and less than a mile from the famous "blue cut," in which three train robberies have occurred within the past year.

Two of the robbers were disguised as women and when the engineer saw them swinging a lantern across the tracks, an apparent signal of danger, he did not hesitate to stop. The engine crew were immediately covered with revolvers. Conductor Dennis O'Brien and Brakeman McMichael stepped out to see what was the matter and were greeted by a volley of bullets, which at once caused the greatest confusion in the passenger coaches.

The conductor and brakeman were compelled to cut the express car from the rest of the train and the engineer and fireman were made to get down from the cab.

The robbers quickly jumped aboard and took the engine and express car about two miles further east, where they stopped and compelled Express Messenger Williams to open his car. He offered no resistance, as he carried no treasure.

The robbers had evidently intended to stop the St. Louis limited night express, which leaves Kansas City at a later hour and were greatly surprised upon discovering that the cars which they had captured contained nothing of value.

In their rage they pounced upon the express messenger and went through his pockets, but $2 85 was all they secured. After this they quickly left the train and disappeared in the darkness.

After a delay of over an hour, the train was gotten together again and was started on its journey. The county marshal and his men were at the scene of the robbery very soon, but there is every probability that the robbers were safely in Independence or Kansas City before organized efforts were made to capture them.

Pennsylvanians at Lookout Mountain.

CHATTANOOGA, Tenn., Nov. 12.—About four hundred Pennsylvania veterans arrived here to-day and to-night to be present at the dedication Monday of the thirteen monuments erected by that state on battlefields of the late war around Chattanooga, including Mission Ridge and Chickamauga. The veterans thus far who have reached the city came from Philadelphia. The delegations from the western part of the state will arrive to-morrow. Governor Hastings and staff and General Gobin, commander-in-chief of the Grand Army of the Republic and staff, will arrive in the morning and be escorted at once to Lookout Inn, on Lookout Mountain, where they will be quartered during their stay here. To-morrow night the citizens of Chattanooga, the local G. A. R. posts and the Confederate camps will tender Governor Hastings a reception at the city auditorium, for which an elaborate programme has been arranged.

Durrant's Second Lease of Life.

SAN FRANCISCO, Nov. 12.—In view of the fact that the supreme court, which is now in session at Sacramento, will adjourn on Tuesday next until the second Monday in January, it is not considered probable that W. H. T. Durrant, the condemned murderer of Blanche Lamont and Minnie Williams, will expiate the crime for which he was sentenced to be hanged in December, 1895, during the current year. In the ordinary course of events, the matter cannot come up for hearing upon the point involved in the order granting the certificates of probable cause, to which Durrant owes his second lease of life, until the middle of January.

Accident to a Crack Cyclist.

CHICAGO, Nov. 12.—Eddie McDuffie, the crack eastern cyclist, was badly hurt in his match race with Jimmy Michael at the Coliseum to-night. The men were in the sixth lap of the fifth mile and going at a hair-raising pace, when the Boston boy wabbled. His wheel struck the rear of his pacing triplet, and, falling heavily, he slid fifty feet along the track and rolled off into the enclosure. He could not stand when picked up, but after a vigorous rubbing and the administering of stimulants, he pluckily re-mounted his wheel. It was evident, however, that he could not continue the race and in the eighth mile he retired.

They are not Worrying.

BOSTON, Nov. 12.—The Yale University football team reached Boston this evening. The football party numbered fifty-six. Of this number forty-four were players and substitutes. As regards Yale's chances for victory there is little to be said. Captain Rodgers and his coachers refused to talk for publication on that score. They admit that the men are in fine condition physically, that their spirits are good and that they are prepared to fight the hardest kind of a battle. In spite of the fact that the Yale men are not loquacious, however, it is not difficult to see that the New Haven collegians are not worrying.

Wreckage Found.

BENTON HARBOR, Mich., Nov. 12.—This evening wreckage was found two miles south of St. Joseph, which looked like that from a boat that had fared badly from the recent storm. The name Sidney O. Neff was indicated on the painted side. Cedar posts made up the cargo. The cabin door and other wreckage was strewn along both shores. A searching party will start out in the morning.

STEEL TUBING COMBINE.

The New Corporation will Represent Ninety Per Cent. of the Output of the United States—Firms in the Deal.

TOLEDO, O., Nov. 12.—At last a strong combination of steel tubing manufacturers has been perfected, and the new corporation will absolutely represent 90 per cent of the tubing output of the United States. The combination is made up of the Brewer Seamless Tube Company and the American Weldless Tube Company, of this city, the Shelby Tube Company, of Shelby, Ohio; the Ellwood Tube Company, of Ellwood, Pa., and the Greenville Tube Company, of Greenville, Pa. The consolidation is called the Shelby Tube Company, and is capitalized at $5,000,000 under the provision for iron and steel plants in the Pennsylvania statutes. W. H. Miller, of Shelby, will be the president and general manager and the main offices will be at the Shelby plant.

The big deal was promoted by Col. H. A. Lozier and Mr. Miller, who recently sized each other up in the fight to form a steel trust with the help of English capital on the company's part. The combination is in a position to make a big bid for foreign trade, as the Steifel patents are in part of the assets. The minimum output of the combined mills is 50,000,000 feet. An arrangement is to be in force, however, by which tubing for different purposes will be made at different mills, one taking the bicycle tubing, one the government work, one the flue work, etc. It is expected that the amalgamation will also undertake to produce steel billets by the open hearth process.

A NEW JURY

Ordered in the Martin Thorn Murder Trial—New Hearing to Begin on November 22.

NEW YORK, Nov. 12.—When the Queens county court of Oyer and terminer opened at Long Island city to-day, it was represented to the Judge Smith that Magnus Larsen, one of the jurors sitting in the case of Martin Thorn, accused of the murder of William Guldensuppe, had been obliged to submit to a surgical operation for appendicitis and that under the most favorable conditions he would not be able to resume his seat in the jury box in less than three weeks. It therefore became a question as to how the case should be proceeded.

After an hour's consultation between the district attorney and Mr. Howe, the latter emerging from an ante-room, said to the waiting reporters:

"Gentlemen; I can now tell you positively that there will be an entirely new jury selected. I have just spoken to Mr. Youngs and found that he and his associates are not in favor of adopting the plan which I proposed in court this morning. Mr. Youngs will have a new panel of 200 talesman made up and the subpoenas will be served immediately."

District Attorney Youngs a few moments later confirmed the announcement by Mr. Howe.

The court agreed to the plan of the district attorney and the jury was formally discharged.

Mr. Youngs asked that the new trial be proceeded with next Monday, but Mr. Howe asked for a longer adjournment.

In deference to Mr. Howe's request, Judge Smith set the case for trial on Monday, November 22.

COURT OF INQUIRY

Ordered to Inquire Into the Recent Disaster to British Forces in India.

SIMLA, Nov. 12.—The viceroy of India, the Earl of Elgin, has ordered a court of inquiry to investigate the disastrous reconnoissance of the British force under Gen. Mascotte, which on Wednesday last reached the summit of the Saran-Sar mountain with little resistance, and afterwards retreated, closely pursued by the enemy, with a loss of about fifty killed and wounded, the British rear guard only being saved by the excellent disposition made of the troops by the commanding officer.

Dispatches received from the British camp in the Maidan valley say that a man who has just come there brought some details of the killing of Lieut. McIntyre and the twelve men belonging to the Northamptonshire regiment, who met death while endeavoring to save the wounded of the regiment during the retreat from the Saran-Sar mountain. This survivor says that when the lieutenant found himself isolated he despatched him for aid as the small party was hampered by the wounded and would not desert them. The rest of the sad tale will never be known.

National League Magnates.

PHILADELPHIA, Pa., Nov. 12.—The National league magnates got down to work to-day. One of the important results of to-day's meeting was the abolishment of the Temple cup series of post-season games.

The present national board of arbitration, consisting of Messrs. Young, Robinson, Soden, Byrne, Hart and Brush, were re-elected, and the board of directors, which is chosen by lot, will consist of Messrs. Vonder Horst, of Baltimore; Reach, of Philadelphia; Earl Wagner, of Washington; Pullman, of Louisville; Von Der Ahe, of St. Louis, and Watkins, of Pittsburgh.

The Louisville team has purchased from the Reading Atlantic league club the release of the First Baseman Carey, formerly of the Baltimores, and Manager Arthur Irwin, of Toronto, has secured Pitcher Johnson and Outfielder Sheehan from the Newarks.

Batted Powell Hard.

SAN FRANCISCO, Nov. 12—Two thousand people witnessed a good game between the Baltimores and All Americas to-day. The All Americas suffered their first defeat since their arrival in this city. Baltimore batted Powell heavily in the first inning, but he did better after that. The Americas could not hit Horton. Score:

All Americas....	1	0	1	0	0	0	0	0	—2	6	2
Baltimore	5	0	0	0	0	0	0	0	*—5	6	2

Batteries—Baltimore, Horton and Donahue; All Americas, Powell and Smith.

Bids on Ohio River Locks.

WASHINGTON, Nov. 12.—The bids for the construction of locks on the Ohio river have been passed upon by the chief of engineers and have been sent up to Secretary Alger for his decision upon the points involved in the protests made against the reception of the lowest bid.

Weather Forecast for To-day.

For West Virginia, fair; warmer; variable winds, becoming southerly.

For Western Pennsylvania, generally fair; high northwesterly winds, diminishing in force Saturday.

For Ohio, fair; warmer; brisk northwesterly winds, becoming variable.

Local Temperature.

The temperature yesterday as observed by C. Schnepf, druggist, corner Fourteenth and Market streets, was as follows:

7 a. m.	35	2 p. m.	40
9 a. m.	34	7 p. m.	40
12 m.	38	Weather change.	

THE STATE WINS.

Judge Hugus Upholds Demurrer to Pleas in Abatement.

AN ELABORATE DECISION GIVEN

By the Judge, Which is Reproduced in Full in This Morning's Intelligencer. The Next Steps in the Liquor License Fight will be Taken this Morning—The Liquor Men will Continue the Fight to Higher Courts.

Yesterday, in the criminal court of Ohio county, Judge Hugus on the bench, there was a decision in the well known abatement cases, in which James Arthur and sixty-six other saloonists of Wheeling are in opposition to the legality of the indictments brought in by the September criminal court grand jury to the number of several hundred, most of them for selling whiskey on the "short" license. It will be remembered the pleas in abatement were met with a demurrer on the part of the state, and Judge Hugus' decision given yesterday is the sustaining of the demurrer. In the opinion handed down by the judge, not so much stress is laid on the irregularities attending the drawing of the September grand jury as there is upon the fact that the pleas in abatement were not good in form and imperfect in their allegations.

This morning the matter will come up again on Mr. Howard's motion to quash the indictments and Prosecutor Meyer's motion that the litigants pay the costs incurred up to the present time.

It is learned on good authority that the interests behind the saloonists will carry the case to the state supreme court and to the supreme court of the United States, if necessary. Attorney Smith, who has been associated with Mr. Howard, was authority for this statement.

The opinion of Judge Hugus in full is as follows:

In these cases the defendants tendered to each indictment fifteen pleas in abatement. The state objected to their filing and on its objection being ovverruled and pleas remitted to be filed excepted and then demurred to each of the pleas so filed.

The pleas set up a great number of irregularities in selecting and impanelling the grand jury that indicted the defendants.

The attorneys for the state in demurring to the pleas assume the position that as these are dilatory pleas aiming to avoid the indictments to which they were pleaded by setting up technical matters solely, they should be judged by the strict technical rules applicable to the draughting of such pleas; and that if these pleas are open to a technical objection in their form or substance the demurrer should be sustained and the defendants required to answer over.

This position and these demurrers then impose upon the court the obligation of inquiring into the rules governing at common law the construction of pleas in abatement, and to decide whether or not the matters attempted to be set up in abatement of the indictments are pleaded according to the strict requirements of these rules.

Chitty (1 Chitty pleadings 458 13 Am. ed., and the same 473 16 Am. ed.) says:

"As pleas in abatement do not deny and yet tend to delay the trial of the merits of the action great accuracy and precision are required in forming them. They should be certain to every intent, and certainty to every intent (2d 234) is that which precludes all argument, inference, or presumption against the party pleading. It is that technical accuracy which is not liable to the most subtle and scrupulous objection."

Whorton (Crim. pleadings and prac. sec. 427) says: A plea in abatement is a dilatory plea and must be pleaded with strict exactness. It should precisely set forth the facts out of which the defense arises, or a negative of the facts presumed from the record.

Bishop (1 Crim. prac. s 745) says: Pleas in abatement require the highest degree of certainty. When, therefore, a party answers a charge by matter not going to its merits and precluding inquiry into it, he should make the allegation in the extreme degree certain, that is in every particular. For it is just that he who would ward off investigation by a technicality should be required himself to stand very technically erect. (2d sec. 324).

Bishop further says (2d sec. 327): In pleas in abatement it is necessary to employ the extreme certainty and quotes with approval, Gould on pleadings sec. 57, where that author says: 'Certainty to a certain intent in every particular requires the utmost fullness and particularity of statement, as well as the highest attainable accuracy and precision, leaving on the one hand nothing to be supplied by intendment or construction and on the other no supposable special answer unobviated.

The principles laid down in the text books are fully sustained in the adjudications and cases decided.

People vs. Findlay, 1 Mich. 234; Belden vs. Laing, 8 Mich. 503; Heyman vs. Covell, 36 Mich., 159; People vs. Lander, 82 Mich., 109, 114; Burnham vs. Howard, 31 Me., 572; Perry vs. R. R., 71 Me., 260; Severy vs. Nye, 58 Me., 251; St vs. Heselton, 67 Me., 599; Posky vs. West, 16 Miss., 717; Ellis vs. Ellis, 4 R. I., 115; St vs. Duggan, 15 R. I., 415; Fowler vs. Arnold, 25 Ill., 284; Nixon vs. Ins. Co., 47 Ill., 444; Feasler vs. Schriever, 63 Ill., 322; Haywood vs. Chestney, 13 Wend., 495; State vs. Emery, 59 Vt., 84; State vs. Ward, 60 Vt., 142; Mundum vs. Joy, 58 N. H., 141 and 312; Lyons vs. Rafferty, 30 Minn., 527; State vs. Ward, 64 Mich., 549; State vs. Ward, 63 Mich., 226 and 226; State vs. Reeves, 10 So. R., 903 and 905; State vs. Lawrence, 986 A. A., 573; Horton vs. Towers, 6 Leigh, 57 and 58 (Hon. Judge Tucker says the utmost strictness in these pleas in abatement); Hovey vs. Insurance Company, 37 W. Va., 280; Woodell vs. West Virginia Improvement Company, 38 W. Va., 39; Quarrier vs. Insurance Co., 10 W. Va., 521; State vs. Baker, 33 W. Va., 324.

It is a sufficient answer to this complaint to say that our laws do not mention such a thing as a list of grand jurors that as no provision for selecting a list of grand jurors by any court, board or officer, much less providing for drawing grand jurors from such a prepared list. The language then, list of grand jurors prepared by (the county court of Ohio county) or (by the board of commissioners of Ohio county) or (the clerk of the county court of Ohio county) is inaccurate and insufficient to determine what body of persons is meant. Inference and argument are necessary to determine the pleader's meaning.